

REMARKS

Claims 1-7, 11-15 and 17 are presently pending in the application. Claims 8-10 and 16 have been cancelled by this amendment, and new claim 17 has been introduced. Claims 1, 11 and 15 are in independent form.

Paragraph 11 does read “depicts” and not “depict,” so no amendment is required. Paragraph 21 has been amended as suggested by the Examiner. No amendments to the drawings are necessary.

Claim 14 was rejected under §112, second paragraph. Claim 14 has been amended to address antecedent basis. Nothing in the claims requires the step recited in claim 14 to be performed after steps a)-c), although it could. To be clear, reciting claims “a)-c)” does not require that the steps be performed in that order. There is nothing indefinite about claim 14 with regard to the sequence of the steps. Moreover, claim 14 is not indefinite for failing to specify whether the entire bag or only the end of the bag is inserted into the cavity. The claim speaks for itself as written. The fact that the claim leaves several options open only indicates the breadth of the claim, rather than indicating the claim is indefinite.

Claim 1 has been amended to include the limitations of claims 7-10. Claim 10 was indicated as allowable. Accordingly, claims 1-7 are now allowable. Claim 11 has been amended to include the limitation of claim 16, and claim 15 has been written in independent form. The pending independent claims overcome the §102 rejections presented in the Office Action.

Claims 15 and 16 were rejected under §103 over Simca Auto, alone. The Examiner argues that installing the cap into the hole prior to expanding the material is “a mere matter of design choice.” There is no requirement in patent law for the Applicant to state “criticality.” The burden of establish obviousness is entirely the Examiner’s. Amended claim 15 recites that the bag is aligned with the hole, which is not disclosed or suggested by Simca Auto.

Claim 11 has been amended to include the limitations of claim 16. Regarding amended claim 11, use “in the body of the car to help form a seal against dust for parts and provide sound insulation” in no way discloses or suggests securing a component to the structure proximate to the material. The Examiner must concede that “dust” and “sound insulation” has nothing to do with where a component would be secured in relation to the material. The rejection must be withdrawn.

New claim 17 recites that the component is secured near a hole through which the bag is inserted, which is not disclosed or suggested by the references.

Applicant believes that no fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees.

Respectfully submitted,
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